

TWENTY-EIGHTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1913.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
39 CORNHILL STREET.

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NAMES OF BOARD AND OFFICERS.

WILLIAM S. FLINT, *President.*

PETER J. McCORMICK, *Secretary.*

ALBERT J. BRUNELLE.

CHARLES F. RIPLEY.

W. EDGAR MARTIN.

JOSEPH E. BUSWELL, *Agent.*

The Commonwealth of Massachusetts.

REPORT.

To His Excellency EUGENE N. FOSS, *Governor.*

SIR: — In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report: —

The condition of trade has not materially changed from last year. We believe that the drug trade is in as prosperous a condition as business in general, and, with increased prosperity, the pharmacists will acquire their full share. Pharmacists, as a whole, are improving by reason of increased knowledge in the compounding and dispensing of medicine. The examinations, to qualify those who desire to become registered pharmacists, are of a standard equal to any in the United States and are so recognized by the other States of the Union.

The financial statement shows that the commission has been self-sustaining, and a balance of \$982.61 above expenses remains in the State treasury.

During the year 521 candidates have been examined; 139 have received certificates of registration as registered pharmacists, and 111 have received certificates as assistants.

The act to provide for registering and licensing stores for transacting retail drug business will take effect Jan. 1, 1914. This law, besides enabling the Board to obtain a complete personnel of every drug store, will assist the Board in bringing about a better condition of the business of pharmacy throughout the State by means of the power granted the Board to refuse registration to such stores as violate the laws pertaining to pharmacy.

The bill enacted by the Legislature of 1913, defining the term "personal supervision" and prohibiting the retailing,

compounding for sale, or dispensing for medicinal purposes, drugs, medicines, chemicals and poisons, except under the personal supervision of a registered pharmacist, will be a further protection to the public.

There is a feeling among the druggists in general that they suffer from unfair competition and unfair trade practices. The Board would recommend the enactment of a law by the Legislature of this Commonwealth similar to one enacted in the State of New Jersey which took effect April 1, 1913. This act prevents unfair competition and unfair trade practices.

Respectfully submitted,

WILLIAM S. FLINT.
PETER J. McCORMICK.
ALBERT J. BRUNELLE.
CHARLES F. RIPLEY.
W. EDGAR MARTIN.

On December 1 Mr. Peter J. McCormick retired from the Board of Pharmacy on which he has served the State faithfully and well. The past three years he has held the office of secretary, to which he has given his best services, meeting all requirements of the office. He was elected president of the New England Association of Boards of Pharmacy for the ensuing year. We regret to lose his valuable services, and extend to him our best wishes in all his future undertakings.

Respectfully submitted,

WILLIAM S. FLINT.
ALBERT J. BRUNELLE.
CHARLES F. RIPLEY.
W. EDGAR MARTIN.

REPORT OF DELEGATES TO NATIONAL ASSOCIATION OF BOARDS OF PHARMACY.

To the Members of the Massachusetts State Board of Pharmacy, Boston.

As representatives of the Massachusetts Board of Registration in Pharmacy, at the convention of the National Association of Boards of Pharmacy at Nashville, Tenn., Aug. 18 to 22, 1913, we submit the following report:—

The convention was called to order by President Mittelbach. An address of welcome was extended and the freedom of the city offered by the civil service commissioner, representing the Tennessee State Pharmaceutical Association. Their welcome was cordial and hearty in the extreme. Response was made by Mr. Walker of Texas, representing the southwest; Mr. Flint of Massachusetts, the east; Mr. Cully of Utah, the west; and Mr. Berger of Florida, the south.

The president appointed a committee on credentials to report at the afternoon session. This committee was composed of Dr. Bond of Arkansas, Mr. Flint of Massachusetts, and Mr. Ward of Tennessee. Their report showed 37 delegates present, representing 22 States.

Dr. Taylor presented a paper on "National Reciprocal Registration," which was referred to a later meeting for discussion.

At the afternoon session the president delivered his address, and it was referred to the committee on president's address, composed of Messrs. Cassidy, Lewis and Porterfield.

The report of the secretary-treasurer was read, in which he announced the withdrawal of Ohio, Oregon and District of Columbia from the national association on account of their local State pharmacy laws. The application of New Hampshire for membership was read and it was voted this State be admitted to full active membership. The report showed 246 exchanges of certificates between the States, and also indicated a healthy financial condition of the organization.

The report of the committee on questions and methods was read by Mr. Christensen of Illinois. He recommended that each State be requested to furnish this committee a full set of questions for comparison. This committee was requested to compile a list of five hundred questions covering six subjects, to be sent to each Board to assist in uniformity of examinations.

At the Wednesday session the committee on constitution and by-laws reported and, after a protracted discussion, the following recommendations were adopted as changes in the by-laws: —

1. That the National Association of Boards of Pharmacy elect a treasurer as well as a secretary, bonding both officers.
2. That a fee of \$5 be sent to the national secretary for each reciprocal application blank thus relieving the local boards from collecting this fee.
3. That a person applying for reciprocal registration shall be required to certify in writing that he has resided in the State from which he applies at least one year after passing his examination.

The committee to arrange for reciprocal exchange with Cuba reported that Cuba could not enter into this agreement owing to the fact that pharmaceutical affairs were under local and not federal control.

The syllabus committee reported that the syllabus was practically completed and would be published before the first of the new year.

A committee on nominations was appointed by President Mittelbach as follows: Messrs. Burton of Indiana, Beebe of Vermont, Rensel of Wisconsin, Porterfield of Oklahoma, and Lewis of Alabama, to report at Thursday's session.

On Thursday the committee on nominations presented the following list of names: —

- Ernest Berger of Florida, *President*.
- Mason G. Beebe of Vermont, *First Vice President*.
- John Cully of Utah, *Second Vice President*.
- J. J. Campbell of Michigan, *Third Vice President*.
- A. F. Sala of Indiana, *Secretary*.
- F. W. Ward of Tennessee, *Treasurer*.

The ballot for president resulted in the election of Mr. Berger, which by vote was made unanimous. The other names submitted were elected in regular order.

President Mittelbach appointed Mr. Walker of Texas to introduce the newly elected officers, after which they were formally installed.

The session adjourned to attend a joint convention with the American Pharmaceutical Faculties, at which meeting Dr. Taylor's paper on "National Reciprocal Registration" was referred to the 1914 convention for discussion.

Respectfully submitted,

WILLIAM S. FLINT.

ALBERT J. BRUNELLE.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

1912-13.	Number of Days.	Number examined.	Number granted Full Reg- istration.	Number granted Assistant Cer- tificates.	Number of Assist- ants failing to receive Full Reg- istration.	Number found not Qualified to receive any Cer- tificate.
December 10,	1	17	4	2	7	4
December 17,	1	17	6	2	8	1
January 7,	1	17	4	5	5	3
January 14,	1	17	4	4	6	3
February 4,	1	15	4	3	5	3
February 11,	1	17	5	3	9	0
February 18,	1	19	6	6	6	1
March 4,	1	15	5	4	3	3
March 11,	1	15	6	3	6	0
March 18,	1	15	7	1	5	2
March 25,	1	15	2	2	10	1
April 8,	1	15	3	2	8	2
April 15,	1	14	4	2	6	2
April 22,	1	14	1	3	8	2
May 6,	1	16	7	4	0	5
May 13,	1	14	0	3	7	4
May 20,	1	15	2	5	7	1
May 26,	1	16	2	5	8	1
June 2,	1	15	3	2	6	4
June 3,	1	15	7	3	3	2
June 9,	1	15	3	1	6	5
June 10,	1	14	3	2	7	2
June 20,	1	17	3	3	7	4
June 23,	1	14	4	2	6	2
June 24,	1	15	4	2	4	5
September 16,	1	12	2	2	6	2
September 23,	1	11	4	3	2	2
September 29,	1	13	9	1	2	1
October 7,	1	16	2	8	3	3
October 14,	1	17	3	5	4	5
October 21,	1	16	7	4	3	2
November 10,	1	16	2	5	7	2
November 18,	1	18	6	6	4	2
November 24,	1	14	5	3	3	3
Totals,	34	521	139	111	187	84

Of the 139 candidates who passed the examinations and were registered as pharmacists: —

16 passed on first examination.	8 passed on sixth examination.
33 passed on second examination.	5 passed on seventh examination.
38 passed on third examination.	6 passed on eighth examination.
23 passed on fourth examination.	1 passed on tenth examination.
9 passed on fifth examination.	

Certificates of registration have been granted by reciprocity as follows: —

STATE.	Number registered.	STATE.	Number registered.
Connecticut,	1	Vermont,	5
District of Columbia,	1	Virginia,	1
Maine,	8	Wisconsin,	1
Nebraska,	1		21
New Hampshire,	3		

FEES.

Fees received: —

201 for first examination at \$5, . . .	\$1,005 00
402 for re-examination at \$3, . . .	1,206 00
23 for reciprocal registration at \$10, . . .	230 00
9 for duplicate certificates at \$1, . . .	9 00
25 for clerical services relating to reciprocity at \$1, . . .	25 00
Total fees received pertaining to registration of persons,	\$2,475 00
1,519 liquor certificate fees received at \$5, . . .	7,595 00
243 fees received in November for drug store registration, to take effect Jan. 1, 1914 (the balance will be included in next annual report), at \$1,	243 00
Interest credited on fees deposited in national bank,	5 65
Total receipts,	\$10,318 65
Amount paid State Treasurer,	\$9,962 65
65 applicants refused liquor certificates and fees returned at \$5,	325 00
3 applicants for examination whose fees were returned because they withdrew their applications, 2 at \$3, 1 at \$5,	11 00
2 applicants for reciprocal registration who were refused and their fees were returned at \$10,	20 00
Total credits,	\$10,318 65

Of the 1,519 applications for liquor certificates received:—

Granted certificates for sixth-class licenses,	1,025
Granted certificates of fitness (chapter 281, Acts of 1906),	429
Refused,	65

EXPENDITURES.

Members' salaries:—

William S. Flint,	\$600 00	
Peter J. McCormick,	1,000 00	
Albert J. Brunelle,	500 00	
Charles F. Ripley,	500 00	
William E. Martin,	500 00	
	<hr/>	\$3,100 00

Members' expenses:—

William S. Flint,	\$314 35	
Peter J. McCormick,	113 90	
Albert J. Brunelle,	314 35	
Charles F. Ripley,	161 00	
William E. Martin,	369 25	
	<hr/>	1,272 85

Joseph E. Buswell, agent:—

Salary,	\$1,500 00	
Expense,	587 52	
	<hr/>	2,087 52

Stenographer, witness fees, incidental and contingent office expenses:—

Bessie B. Burroughs,	\$1,200 00
Wright & Potter Printing Company,	468 13
Eastern Drug Company,	57 07
F. W. Martin Company,	66 70
New England Telephone and Telegraph Company,	9 22
Press Clipping Bureau,	12 30
J. L. Hammett Company,	3 90
J. L. Fairbanks & Co.,	47 10
Mary Casey,	36 00
E. W. Burroughs, temporary clerical services,	28 00
Armand P. Lamothe, clerical services,	195 00
Remington Typewriter Company,	65
New England Railway Publishing Company,	50
National Association of Boards of Pharmacy,	10 00
New England Association of Boards of Pharmacy,	2 00

<i>Amounts carried forward,</i>	<hr/>	<hr/>	\$2,136 57	\$6,460 37
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<i>Amounts brought forward,</i>	\$2,136 57	\$6,460 37
Sampson & Murdock Company,	6 50	
Neostyle Company,	14 60	
A. R. Andrews Company,	12 99	
Bessie B. Burroughs (expenses to Albany, N. Y., to investigate New York Board of Pharmacy office system),	21 25	
H. L. Stearns Desk Company,	15 90	
Rapid Addressing Machine Company,	5 00	
Underwood Typewriter Company,	74 75	
L. C. Smith Brothers,	88 55	
H. L. Dubois & Co.,	8 10	
Postal supplies,	82 81	
Witness fees,	44 30	
Laundry for examination laboratory,	8 35	
		2,519 67
Total expenditures,		\$8,980 04
Amount paid into the State treasury from fees received dur- ing the fiscal year,		\$9,962 65
Expenditures of the Board for the fiscal year from appropria- tions,		8,980 04
Amount paid the State in excess of the Board's expense to the State,		\$982 61

OBITUARY.

Fred. W. Bergengren, Lynn.	James Howe, Haverhill.
Robert H. Billings, Cambridge.	William J. Kirby, Fiskdale.
C. S. Blake, New Bedford.	Frobe J. Lagasse, New Bedford.
James E. Blake, New Bedford.	Fred. W. Merrill, Amesbury.
Andrew Burke, Salem.	Samuel A. Neill, Boston.
Jos. J. Cawthorn, Lawrence.	Thomas Nichols, Salem.
Harry F. Chandler, Natick.	George C. Osgood, Lowell.
William A. Chapin, Boston.	Edmund G. Otis, New Bedford.
James I. Church, New Bedford.	John Remby, Gloucester.
Jos. A. Demarais, Holyoke.	J. Albert Soderstrom, Fitchburg.
Jos. A. Fitzgerald, Salem.	H. W. Sweatt, Cambridge.
Mrs. C. L. Fraser, Boston.	Levi Tower, Cohasset.
Wm. W. Goodwin, Newburyport.	John H. H. Watson, Everett.
T. J. R. Healey, Westborough.	Emery M. Willard, Boston.
Peter F. Henoit, Marlborough.	Chas. G. Wilson, Lynn.
Luther W. Hough, Holbrook.	Joseph Wilson, Boston.

SUMMARY.

Meetings: —

For examinations,	34
For hearings, business, etc.,	13
<hr/>	
Total number of meetings,	47

Hearings: —

On formal complaint, charge of violation of the liquor law,	20
On formal complaint, charge of aiding and abetting unregistered persons in the conduct of the drug business,	5
On formal complaint, charge of the habitual use of intoxicating liquor or narcotics,	1
On formal complaint, charge of aiding and abetting another in the illegal sale of narcotics,	1
On suspension or revocation of sixth-class license certificates,	10
On suspension or revocation of certificates of fitness,	11
On reinstatement of suspended certificate of registration,	1
On applications for liquor certificates,	76
<hr/>	
Total number of hearings,	125

Results of hearings: —

Number of certificates of registration suspended for five years,	1
Number of certificates of registration suspended for two years,	3
Number of certificates of registration suspended for one year,	1
Number of certificates of registration suspended for six months,	3
Number of certificates of registration suspended for three months,	2
Number of formal complaint cases placed on file,	22
Number of sixth-class license certificates suspended,	9
Number of certificates of fitness suspended,	11
Number of suspended pharmacists reinstated,	1

Respectfully submitted,

PETER J. McCORMICK,

Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1913.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by section 3, chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of registration in pharmacy, appointment, etc.

SECTION 11 (as amended by section 4, chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

Organization, meetings, etc.

SECTION 12. (Section 1, chapter 399, Acts of 1907.) The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Salaries.

(Sections 4 and 5, chapter 505, Acts of 1902.) Each member of the board shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

Travelling expenses, etc.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Record and annual report.

Examination
for registra-
tion as a
pharmacist.

Certificates
as assistants.

Registration
by reciprocity.

Exhibit of
certificate.

Hearings on
applications
and com-
plaints.

Board may
suspend
certificates of
registration,
etc.

Board may
reconsider
its action.

SECTION 14 (as amended by section 3, chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16 (as amended by chapter 140, Acts of 1907, as amended by section 2, chapter 172, Acts of 1910). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 18 (as amended by section 2, chapter 525, Acts of 1908; section 1, chapter 720, Acts of 1913). Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal pur-

poses drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars, but the provisions of this section shall not prohibit the employment of apprentices or assistants and the sale by them of any drugs, medicines, chemicals or poisons under the personal supervision of a registered pharmacist. No unregistered co-partner or unregistered stockholder in a corporation doing a retail drug business shall hereafter be actively engaged in the drug business. Every registered pharmacist carrying on the drug business as proprietor or as manager shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. The term "personal supervision" as used in the act shall mean that a registered pharmacist is in charge and present in the store.

Registered person's name on signs and labels.

(Section 2, chapter 720, Acts of 1913: The provision of section eighteen of chapter seventy-six of the Revised Laws, as amended by section one of this act, that no unregistered co-partner or unregistered stockholder in a corporation doing a retail drug business shall hereafter be actively engaged in the drug business, shall not apply to those engaged in said business at the time of the passage of this act. — Approved May 28, 1913.)

Inability of unregistered co-partner or stockholder to be actively engaged in pharmacy.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

Investigation of complaints.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

Access to documents.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

Court to furnish certificate of conviction.

SECTION 23 (as amended by chapter 327, Acts of 1902; section 3, chapter 525, Acts of 1908; section 1, chapter 172, Acts of 1910). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies: — alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime, citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dye stuffs, Epsom salt, flaxseed, flaxseed meal, gelatin, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, saltpeter, senna, slippery elm bark, spices for seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel, and zinc oxide; nor to the sale in original packages of the following, if put up by registered pharmacists, manufacturers, or wholesale dealers, in conformity with the Revised Laws, namely: — flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of nitre, syrup of rhubarb, tincture of arnica, and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded as provided in section two, chapter two hundred

As to the sale of certain drugs and medicines by grocers and others, not registered.

Widow, etc.,
may continue
business, etc.

and thirteen of the Revised Laws: — muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus, and sulphate of zinc. Whoever not being a registered pharmacist, sells, or offers for sale, at retail, drugs, medicines, or poisons, other than those enumerated above, shall be punished by a fine not exceeding fifty dollars. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

CHAPTER 100, REVISED LAWS.

Definition of
intoxicating
liquor.

SECTION 2. Ale, porter, strong beer, cider, all wines, any beverage which contains more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit, and distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

Licenses may
be refused to
unfit persons.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

Conditions of
licenses.

SECTION 17. Each license shall be expressed, to be subject to the following conditions: —

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Sales pro-
hibited cer-
tain hours
and Lord's
day.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Quality of
liquor.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Sales pro-
hibited to
certain
persons.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Conduct on
premises.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises, or on any premises connected therewith by an interior communication.

License
displayed.

Sixth, That the license, or a copy thereof, certified by the recording officer of the licensing board, or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

License
subject to
forfeiture.

SECTION 21 (as amended by chapter 190 of the Acts of 1907, as further amended by chapter 410 of the Acts of 1913). Druggists and apothecaries having a sixth class license may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22 (as amended by chapter 410 of the Acts of 1913). No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

Certificate of
qualification
for license.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

License to be
void, when.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

Sale only on
certificate.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the

Entry book
for sales
of liquor.

manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase _____
and I certify that I am not a minor and that the same is to be used for * Mechanical
* Chemical * Medicinal purposes. [*Draw a line through the words which do not indicate
the purpose of the purchase.]

Signature _____

Cancelled _____

Books open to inspection.

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

Penalty for false certificate.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

Penalty for sale of liquor in name of pharmacist.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

Transfer of licenses.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

Forfeiture of license.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Licensee disqualified.

Penalties.

SECTION 53. Whoever violates any provision of his license or of this chapter shall, unless otherwise expressly provided, be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months; and

such conviction of a licensee shall render any license to him of the first five classes, of the seventh class, and, if for a violation of sections twenty-five to twenty-seven inclusive, a license of the sixth class, void. Such licensee shall be disqualified to hold a license for one year after his conviction, and, if he is the owner of the licensed premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 61. Whoever employs a minor under the age of eighteen years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment in which such liquors are prepared for sale or offered for sale shall, for each offence, be punished by a fine of not less than fifty dollars or by imprisonment for not less than three months, or by both such fine and imprisonment. The provisions of this section shall not prohibit the employment of minors in drug stores.

Minors not to handle intoxicating liquors.

Drug stores exempt.

SECTION 62. Whoever, himself, or by his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent, or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offence, to be recovered by the parent, etc. The provisions of this section shall not apply to sales made by the holder of a license of the sixth class if made upon the written prescription of a practising physician.

Penalty for furnishing liquor, etc., to a minor.

SECTION 63. The husband, wife, parent, child, guardian or employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, or the mayor of the city, or one of the selectmen of the town in which such person lives, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; etc.

Penalty for selling liquor to a person contrary to notice.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 2 (as amended by chapter 263, Acts of 1912, as further amended by chapter 585, Acts of 1913). Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, compounds of fluorine, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said

Sale of poisons.

officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided. Nor shall the provisions of this section apply to sales of compounds containing not more than fifty per cent of sodium fluoride intended solely for the destruction of roaches, ants or other household insects when sold in sealed metal packages containing not less than one fourth of a pound plainly labelled in such a manner as to show the purposes for which the preparation is intended.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

Receptacles holding proprietary or patent medicines, etc., to be labelled.

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight. [*Approved March 29, 1907.*]

CHAPTER 271, ACTS OF 1910.

AN ACT TO REGULATE THE SALE OF MORPHINE AND OTHER NARCOTIC DRUGS.

Be it enacted, etc., as follows:

Sale of certain narcotic drugs regulated.

SECTION 1. It shall be unlawful for any person to sell, furnish, give away or deliver any opium, morphine, heroin, codeine or preparations thereof, or any salt or compound of the said substances, except upon the written prescription or order of a lawfully authorized practitioner of

medicine, dentistry, or veterinary medicine, which prescription shall bear the name of the person giving it. But the provisions of this section shall not apply to sales made by any manufacturer, wholesale or retail druggist to another manufacturer, wholesale or retail druggist; or to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations: *provided*, that such preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this act; and *provided*, that such preparations do not contain more than two and one half grains of opium, or one third of a grain of morphine, or one fourth of a grain of heroin, or one grain of codeine or their salts in one fluid ounce; or if a solid preparation, in one avoirdupois ounce, excepting liniments and ointments which are prepared for external use only; nor to preparations containing opium or any of its salts, which are sold in good faith, for diarrhoea, cholera or neuralgia; nor to powder of ipecac and opium, commonly known as Dover's powders; nor to compound medicinal tablets, pills, or powders containing not over one twentieth of a grain of morphine, or one twelfth of a grain of heroin or one fourth of a grain of codeine, or any of their salts to each pill, powder or tablet, *provided*, that such preparations are sold in good faith as medicines and not for the purpose of evading the provisions of this act.

SECTION 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to prescribe for the use of any habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicines prescribe any of the said substances for the use of any human being: *provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for his treatment, when such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

SECTION 3. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one thousand dollars; or shall be imprisoned in the house of correction or jail for a term not exceeding one year; or shall be punished by both such fine and imprisonment. [Approved March 22, 1910.]

CHAPTER 387, ACTS OF 1910.

AN ACT RELATIVE TO THE SALE OF COCAINE.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell or to expose or offer for sale or to give, deliver or exchange any cocaine, or any alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the state in which he resides; the original of which prescription shall be retained by the druggist filling the same for a period of at least two years and shall not again be filled, except upon the written order of the original pre-

scriber, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medicine shall prescribe any of the above mentioned substances for the use of any human being.

Physicians and dentists not to prescribe, etc., in certain cases.

SECTION 3. It shall be unlawful for any physician or dentist to prescribe, sell or give away any cocaine or its salts, or any alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, to any person known to such physician or dentist to be an habitual user of those drugs.

To whom cocaine, etc., may be sold.

SECTION 4. Any manufacturer or jobber of any or all of the articles mentioned in section two of this act, any wholesale druggist, or any registered pharmacist may sell any article mentioned in said section two to any such manufacturer, jobber, wholesale druggist, or to any pharmacist, physician, veterinarian or dentist, registered under the laws of the state in which he resides, or to any incorporated hospital, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns; and such order shall not contain any articles not mentioned in section two of this act.

Order to be kept on file.

Penalty.

SECTION 5 (as amended by chapter 341, Acts of 1911). Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty and not more than one thousand dollars, or by imprisonment for not more than one year in the county jail or house of correction, or by both such fine and imprisonment, and whoever is found present as described in section seven of this act shall be punished by a fine of not more than fifty dollars, or by imprisonment for three months in the house of correction.

CHAPTER 416, ACTS OF 1910.

AN ACT RELATIVE TO PROSECUTIONS UNDER THE LAWS RELATIVE TO ADULTERATED DRUGS AND FOOD.

Be it enacted, etc., as follows:

Prosecutions under laws relative to adulterated drugs and food.

SECTION 1. No prosecution shall be begun under sections sixteen to twenty-seven, inclusive, of chapter seventy-five of the Revised Laws, for the manufacture, sale or offering for sale of drugs, unless the person purchasing the drug or taking the drug without purchasing shall seal and deliver to the owner or person from whom such drug is purchased or taken a portion of the drug so purchased or taken; and a receipt therefor shall be given to the collector. The drug so purchased or taken shall thereafter be analyzed or tested under the direction of the state board of health for the purpose of determining whether it comes within the provisions of the sections above mentioned.

Complaint for violation of law, etc.

SECTION 2. If it appears that any provision of the said sections has been violated, the said board may direct or authorize formal complaint to be made to a court or justice having jurisdiction in such cases; but no evidence of the result of said analysis or test shall be received if the collector refuses or neglects to seal and deliver a portion of the drug purchased or taken as aforesaid to the owner or person from whose possession it is taken. [Approved April 20, 1910.]

CHAPTER 541, ACTS OF 1910.

AN ACT RELATIVE TO THE LABELLING OF CRUDE AND REFINED WOOD ALCOHOL.

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, "Poison, Not for Internal Use", in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, "Poison, Not for Internal Use", in stencilled letters or similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

Crude and refined wood alcohol to be labelled.

Penalty.

SECTION 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for the sale, etc., of food or drink containing wood alcohol, etc.

SECTION 3. Chapter two hundred and twenty of the acts of the year nineteen hundred and five, relative to wood alcohol, is hereby repealed. [Approved May 23, 1910.]

Repeal.

CHAPTER 289, ACTS OF 1911.

AN ACT RELATIVE TO PROSECUTIONS FOR SELLING ADULTERATED OR MISBRANDED ARTICLES OF FOOD OR DRUGS.

Be it enacted, etc., as follows:

SECTION 1. No dealer shall be prosecuted under the provisions of sections sixteen to twenty-six, inclusive, of chapter seventy-five of the Revised Laws, or of any act supplementary thereto or amendatory thereof, for selling, exposing for sale, or having in his custody or possession with intent to sell, any article of food or any drug or medicine which has been adulterated or misbranded contrary to the laws of this commonwealth, or which contains any substance, the use of which in food or in drugs is forbidden by the laws of this commonwealth, if he can establish a guaranty signed by the manufacturer, wholesaler, or jobber within this commonwealth from whom he purchased the said article, drug or medicine, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating the act. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in that case such party or parties shall be subject to the prosecution, fine or other penalties which would attach in due course to the dealer under the provisions of the sections aforesaid.

SECTION 2. So much of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage. [Approved April 14, 1911.]

CHAPTER 212, ACTS OF 1912.

AN ACT TO EXEMPT DRUGGISTS AND DRUG CLERKS FROM RESTRICTIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Section sixteen of chapter nineteen of the Revised Laws is hereby amended by adding at the end thereof the words:— The word vendor shall not apply to the proprietors of drug stores or their employees,— so as to read as follows:— *Section 16.* No person habitually using intoxicating liquors to excess and no vendor of intoxicating liquors shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply. The word vendor shall not apply to the proprietors of drug stores or their employees. [Approved March 9, 1912.]

CHAPTER 7, ACTS OF 1913.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and thirteen, to wit:—

For the salaries of the members, thirty-one hundred dollars.

For travelling and other expenses of the members, a sum not exceeding seventeen hundred and twenty-five dollars.

For salaries and expenses of the agent, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses, to include printing the annual report, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage. [Approved January 22, 1913.]

CHAPTER 413, ACTS OF 1913.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, such sales to be recorded in the manner provided for in section twenty-six of chapter one hundred of the Revised Laws, and may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. Chapter two hundred and eighty-one of the acts of the year nineteen hundred and six and all acts and parts of acts inconsistent herewith are hereby repealed. [Approved March 29, 1913.]

CHAPTER 705, ACTS OF 1913.

AN ACT TO PROVIDE FOR REGISTERING AND LICENSING STORES FOR TRANSACTING RETAIL DRUG BUSINESS.

Be it enacted, etc., as follows:

SECTION 1. The term "drug business" as used in this act shall mean the sale of opium, morphine, heroin, codeine or other narcotics, or any salt or compound thereof, or any preparation containing the same, or cocaine, alpha or beta eucaine, or any synthetic substitute therefor, or any salt or compound thereof, or any preparation containing the same, and the said term shall also mean the compounding and dispensing of physicians' prescriptions.

SECTION 2. No store shall be kept open for the transaction of the retail drug business unless it is registered with and a permit therefor has been issued by the board of registration in pharmacy as herein provided.

SECTION 3. The board of registration in pharmacy shall, upon application, issue a permit to keep open a store for the transaction of the retail drug business to such persons, firms and corporations as the board may deem qualified to conduct such a store. The application for such a permit shall be made in such manner and in such form as the board shall determine. A permit issued as herein provided shall be exposed in a conspicuous place in the store for which the permit is issued and shall expire on the first day of January following the date of its issue. The fee for the permit shall be one dollar.

SECTION 4. No such permit shall be issued for a corporation to keep open a store for the transaction of the retail drug business, unless it shall appear to the satisfaction of the said board that the management of the drug business in such store is in the hands of a registered pharmacist.

SECTION 5. The said board may suspend or revoke a permit issued hereunder for any violation of the law pertaining to the drug business or the sale of intoxicating liquors or for aiding or abetting a violation of any such law; but before suspending or revoking any such permit the said board shall give a hearing to the person, firm or corporation holding the permit, after due notice to such person, firm or corporation of the charges against him or it and of the time and place of the hearing. At the hearing, such person, firm or corporation may appear with witnesses and be heard by counsel. Witnesses at all hearings shall testify under oath and any member of the board may administer oaths to witnesses. Any person so sworn or affirming who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. The board shall have power to require the attendance of persons and to compel the production of books and documents. Three members of the board shall be a quorum for such a hearing, but no permit shall be suspended or revoked unless upon the vote of three or more members of the board.

SECTION 6. For the purpose of enforcing the provisions of this act the board may expend a sum not exceeding one thousand dollars annually.

SECTION 7. Whoever violates any provision of this act shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 8. This act shall take effect on the first day of January, nineteen hundred and fourteen.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed. [Approved May 27, 1913.]

